

TO: CITY MANAGER

1997 FEBRUARY 05

FROM: DIRECTOR PLANNING AND BUILDING

OUR FILE: 00.890

SUBJECT: 1997 FCM RESOLUTIONS

PURPOSE: To recommend Council endorsement of resolutions for submission to the 1997 Annual Conference of the Federation of Canadian Municipalities.

RECOMMENDATIONS:

1. **THAT** Council endorse the resolutions presented in Appendix 1, *attached* and approve their submission to the 1997 Annual Conference of the Federation of Canadian Municipalities.
2. **THAT** a copy of this report be sent to:
 - a) The Federation of Canadian Municipalities
 - b) Mr. Svend Robinson, M.P.
 - c) Mr. Paul Forseth, M.P.

REPORT

1.0 INTRODUCTION

The Federation of Canadian Municipalities (FCM) is inviting resolutions for debate at the March 1997 meeting of FCM's National Board of Directors or at the organization's Annual Conference in June 1997. The deadline for submission of resolutions is 1997 February 10; however staff have been assured that a Burnaby submission would be accepted if received by fax on February 11.

This report proposes that Council endorse two resolutions for submission to the FCM: one concerning the age of consent for sexual activity and the other concerning development of a national child care plan.

2.0 PROPOSED RESOLUTIONS

The proposed FCM resolutions are presented in Appendix 1, *attached*. Some background and an overview of the resolutions are offered below.

2.1 Age of Consent

At its meeting of 1997 January 20, Council received a report from the Community Policing Committee concerning initiatives for addressing child and youth prostitution. In the discussion, a concern was raised that, at present, it is not a criminal offence for an adult to engage in sexual activity with a young person aged 14 years or older, provided that the young person consents to the activity. In having sex with adults, young people tend to be emotionally vulnerable and face an imbalance in power. Therefore, it is reasonable to assume that, when questioned by authorities in these situations, young people would commonly maintain that they had given their consent. Young people under the age of 14 years do not face such quandary. In cases of sexual activity between an adult and a person under the age of 14 years, the issue of "consent" is not relevant and the adult can simply be charged with sexual assault.

The proposed resolution calls for the FCM to urge the Federal Government to amend the Criminal Code to raise the age of consent for sexual activity between a young person and an adult from 14 to *at least* 16 years. This would relieve young persons aged 14 and 15 years of the dilemma involved in testifying against an adult, as no testimony would be required.

2.2 National Child Care Plan

Since the 1980s, various Federal Governments have promised to establish a national plan or strategy for child care. The most recent promise was contained in the Liberal Red Book. In 1995 December, the then Minister of Human Resources Development Canada, the Honourable Lloyd Axworthy made an offer to the provinces and territories concerning implementation of a \$630 million cost-shared child care program. While the provinces and territories were cautiously supportive of the proposal, progress was stalled when a new minister, the Honorable Doug Young assumed the Human Resources portfolio.

Child care advocates have been calling for establishment of a national child care strategy for years. With Council's endorsement, the Mayor wrote to the Federal Minister of Health and Welfare in 1992 to express the City's concern over the abandonment of plans to develop a national child care strategy. Council reinforced this position in 1993 through the Burnaby Child Care Policy, which stated:

Policy 9: The City will, on an ongoing basis, make recommendations to other levels of government and public agencies to improve child care services and programs by . . .

- b) continuing to request the Federal Government to strengthen the fiscal incentives and support for families and child care providers, and to introduce a National Child Care Strategy.*

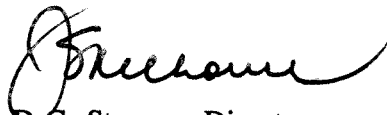
While acknowledging that all levels of government are trying to reduce costs, it is believed that money spent on care of Canada's children is a sound investment in the country's future. Further, in promoting development of a national child care plan, advocates are not requesting that large new funding allocations be devoted to child care. They believe that a key benefit of a national plan is the improved efficiencies that would result from a coordinated approach to child care policy and planning.

Given the documented evidence regarding the importance of quality child care for children, their families, and society at large, it is recommended that the FCM urge the Federal Government to give priority attention to developing a comprehensive plan for establishing an affordable, accessible, and high quality child care system in Canada.

3.0 CONCLUSION

This report has discussed two potential resolutions for submission to the 1997 FCM Annual Conference. Both resolutions focus on the welfare of young people. They are considered important to Burnaby, being consistent with the City's Youth Strategy and Child Care Policy objectives. They are also considered to be of national importance, covering issues that affect municipalities throughout the country.

It is therefore recommended that Council endorse the resolutions presented in Appendix 1, *attached* and approve their submission to the 1997 Annual Conference of the Federation of Canadian Municipalities.



D.G. Stenson, Director
PLANNING AND BUILDING

JF/JS/db

Attachments

Copy: OIC RCMP
City Solicitor
Medical Health Officer
Acting Director Recreation & Cultural Services

FCM RESOLUTION:

RE: AGE OF CONSENT FOR SEXUAL ACTIVITY

WHEREAS a recent national consultation process on child and youth prostitution has provided estimates that the number of children involved in prostitution in Canada is 40,000 and the average age of entry into prostitution is 14 years;

WHEREAS, under the Criminal Code of Canada,

- ▶ it is currently not a criminal offence for an adult to engage in sexual activity with a young person aged 14 years or older if the young person consents to the sexual activity
- ▶ there are conditions that apply to the young person's consent, such as that the adult cannot be in a position of trust or authority over the young person for the consent to be valid, and consent cannot be given for money, food, drugs or other consideration
- ▶ a young person is defined as a person 14 years of age or more but under the age of 18
- ▶ there are no conditions under which a youth aged 13 years or less can consent to sexual activity with an adult, with such activity rendering the adult liable to a charge of sexual assault
- ▶ an adult who engages in sexual activity with a young person for money or other consideration is deemed to have committed an indictable offence and is liable to imprisonment for a term not exceeding five years under Section 212(4)
- ▶ prosecutions under Section 212(4) require the Crown to prove that an adult attempted to engage in sexual activity with a person under 18 years of age for money or other consideration, resulting in the requirement that the young person testify against the adult;

WHEREAS raising the age of consent from 14 years could assist in the prosecution of adults who buy sex from young people because the adult could be charged with sexual assault and it would not be necessary to prove that there was a negotiation for money or other consideration;

BE IT RESOLVED that the Federation of Canadian Municipalities urge the federal government to amend the Criminal Code of Canada to raise the age of consent for sexual activity between a young person and an adult from 14 years to at least 16 years.

1997 FCM RESOLUTION

RE: NATIONAL CHILD CARE PLAN

WHEREAS it is estimated that, in 1994, 2.5 million children in Canada aged below 13 years had parents in the paid labour force or pursuing an education; and while these children needed full or part time child care services, only one in six had access to a regulated or licensed child care space;

WHEREAS research shows that high quality child care positively influences a child's development and learning, while poor quality care has negative long term effects on children;

WHEREAS the provision of affordable, accessible, and high quality child care contributes to the social and economic health of Canadian municipalities by

- ▶ positively influencing the growth and development of tomorrow's adults
- ▶ reducing future expenditures for social, health care, and justice services
- ▶ providing employment for people in the child care field;

WHEREAS the Federal Liberal Party, in its Red Book, made a commitment to develop a national child care strategy and Provincial and Territorial Governments have indicated a willingness to work with their Federal counterparts in development of strategies concerning child care and other social policy matters affecting children;

BE IT RESOLVED that the FCM urge the Federal Government, in consultation with their Provincial counterparts and FCM, to give priority attention to developing a comprehensive plan for the establishment of an affordable, accessible, and high quality child care system in Canada.

